

uses or assumes any title to, appends his name words or letters which represent, or may tend to represent, him as a physician, shall be guilty of a misdemeanor, making each day of such violation a separate offense, and fixing the punishment therefor upon conviction; providing for the partial invalidity hereof; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

## TWENTY-SEVENTH DAY

(Thursday, February 23, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Honorable Homer Leonard.

The roll of the House was called, and the following Members were present:

Allen	Corry
Allison	Crossley
Alsup	Daniel
Anderson	Davis of Jasper
Bailey	Davis of Upshur
Baker	Dean
of Fort Bend	Derden
Baker of Grayson	Dickison
Bell	Dickson
Blankenship	Donaghey
Bond	Dowell
Boyd	Dwyer
Boyer	Faulkner
Bradbury	Felty
Bradford	Ferguson
Bray	Fielden
Bridgers	Fuchs
Broadfoot	Galbreath
Brown of Cherokee	Gilmer
Brown	Goodman
of Nacogdoches	Gordon, Mrs.
Bundy	Hale
Burney	Hamilton
Cauthorn	Hankamer
Celaya	Hardeman
Chambers	Hardin
Clark	Harp
Cleveland	Harper
Cockrell	Harrell of Bastrop
Coleman	Harrell of Lamar
Colquitt	Harris
Colson, Mrs.	Hartzog
Cornett	Heflin

Holland	Ragsdale
Howard	Reader of Bexar
Howington	Reader of Erath
Hull	Reaves
Hunt	Reed
Isaacks	Rhodes
Johnson of Ellis	Riviere
Johnson of Tarrant	Roach
Keith	Roberts
Kennedy	Robinson
Kern	Russell
Kerr	Schuenemann
Kersey	Segrist
Kinard	Shell
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leonard	Smith
Leyendecker	of Matagorda
Little	Spencer
Lock	Stinson
Loggins	Stoll
London	Talbert
Mays	Tarwater
McAlister	Taylor
McDaniel	Tennant
McDonald	Thornberry
McFarland	Thornton
McMurry	Turner
McNamara	Vale
Mohrmann	Vint
Monkhouse	Voigt
Montgomery	Waggoner
Morris	Weldon
Newell	Wells
Nicholson	Westbrook
Oliver	White
Olsen	Wilson
Pace	Winfree
Petsch	Wood
Pevehouse	Worley
Pope	Wright

Absent—Excused

Burkett Piner

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, we are grateful to Thee for Thy kind providences manifested toward us in so many ways. We rejoice that in all our work we are co-operating with Thee as we really serve our fellowmen. Qualify us this morning in large measure for all right activities and use us in the progress of Thine own purposes. In Christ's name. Amen."

COMMUNICATION FROM HON. R.  
EMMETT MORSE

The Chair laid before the House, and had read the following communication from Hon. R. Emmett Morse: E. R. Lindley, Chief Clerk, House of Representatives

During my absence from the House of Representatives, I hereby designate the Honorable Homer Leonard to preside.

R. EMMETT MORSE.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Piner for today, on motion of Mr. Weldon.

The following Member was granted leave of absence on account of illness in his family:

Mr. Burkett for today, on motion of Mr. Gilmer.

COMMUNICATION FROM HON. W.  
LEE O'DANIEL, GOVERNOR

The Chair laid before the House, and had read the following communication from Governor W. Lee O'Daniel:

Executive Department  
Austin, Texas

February 20, 1939.

Honorable Emmett Morse, Speaker of the House,  
Austin, Texas

Dear Mr. Morse:

I am sending with this message letters, postcards and petitions from citizens of this State expressing their desires with reference to the pension plan and tax measures providing revenue for paying same.

According to our count 16,033 favor the transaction tax feature of the plan and 425 are opposed.

I trust you will make these communications available to each and every Member of the House who is interested in the desires of these Texas citizens regarding the pension plan.

Please also make these documents available to Members of the Senate,

and after they have served their usefulness to Members of both Houses please return them to my office.

Very truly yours,  
W. LEE O'DANIEL,  
Governor of Texas.

COMMUNICATION TO CHIEF  
CLERK OF THE HOUSE

The following communication was ordered printed in the Journal:

Embajada de Chile  
Washington

20 February 1939.

Mr. E. R. Lindley, Chief Clerk, House of Representatives,  
Austin, Texas

My dear Mr. Lindley:

In the absence of the Ambassador, I beg leave to acknowledge, with best thanks, the receipt of your kind letter of the 14th, with which you were good enough to send me a copy of House Concurrent Resolution No. 34, adopted by the House of Representatives and the Senate of the State of Texas on February 9, 1939, offering the facilities of the Texas Health Department in providing vaccines or other supplies to the Republic of Chile, or other assistance that may be necessary to the survivors of the recent earthquake.

I am immediately communicating the text of the resolution to my Government for appropriate response; and since I note that a copy has been sent to the American Red Cross in this city, which has been so generously giving us their aid in this catastrophe, I feel that it will be through that channel that you will be advised how this generous offer may be made effective.

With the assurances of the gratitude of my Government and this Embassy, believe me.

Sincerely yours,  
SERGIO HUNEEUS,  
Charge d' Affaires of Chile.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and

referred to the appropriate committees, as follows:

By Mrs. Gordon:

H. B. No. 652, A bill to be entitled "An Act amending Article 297 of the Penal Code of Texas, of 1925, as amended by Act of the Forty-fourth Legislature in 1935, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Celaya:

H. B. No. 653, A bill to be entitled "An Act to authorize any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing that title shall vest in the county upon the filing of a declaration of taking by the county and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said county, and declaring an emergency."

Referred to the Committee on Federal Relations.

By Mr. Brown of Nacogdoches:

H. B. No. 654, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Nacogdoches County for a period of two (2) years; providing

certain exceptions; and providing a penalty therefor."

Referred to the Committee on Game and Fisheries.

By Mr. Galbreath:

H. B. No. 655, A bill to be entitled "An Act amending Article 4006 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Smith of Frio:

H. B. No. 656, A bill to be entitled "An Act to amend Articles 3334-3334A, Title 54 of the Revised Civil Statutes of Texas, Revision 1925, as amended by adding a Section to be known as Article 3334B, validating the acts of Probate Courts in certain cases, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Tennant:

H. B. No. 657, A bill to be entitled "An Act providing the amount of salaries for the First Assistant to the Tax Assessor and Collector in certain counties; providing for the salaries of Cashiers of such Assessor and Collector; providing for the salaries of all other assistants and deputies to such an officer; repealing all laws in conflict therewith to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Pevehouse:

H. B. No. 658, A bill to be entitled "An Act to amend Article 3810 of Title 56 of Revised Statutes of Texas, 1925, by adding Article 3810a providing that as to all future sales of real estate, whether made under deeds of trust or through court proceedings for purpose of satisfying liens that may be hereafter created, that any part of the indebtedness for which said lien is given that may not remain unpaid shall not be used for purpose of securing a deficiency judgment, or for any other purpose whatsoever, and that any agreement that may hereafter be made having for

its purpose the avoiding of the terms and purpose of this Act shall be wholly void, and shall not be enforceable in any of the courts of this State or otherwise, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Davis of Upshur:

H. B. No. 659, A bill to be entitled "An Act to amend Articles 304, 305, 305a, and 306 of the Revised Civil Statutes of 1925; creating a Board of Legal Examiners and prescribing rules and regulations for admission of applicants to the Bar in Texas; providing a savings clause, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Tennant:

H. B. No. 660, A bill to be entitled "An Act providing the salary of County Superintendents of Public Instruction in certain counties, according to the last preceding Federal Census or any subsequent Federal Census, and according to area in square miles of such counties; repealing all laws and parts of laws in conflict, to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Coleman:

H. B. No. 661, A bill to be entitled "An Act providing for the appointment of a County Purchasing Agent in all counties having a population of no less than nineteen thousand, eight hundred and ninety-five (19,895) and no more than nineteen thousand, nine hundred and ninety (19,990), according to the last Federal Census, or any subsequent Federal Census, providing compensation for such Purchasing Agent; providing for mode and manner of his appointment; providing for term of office; providing for oath and bond; providing for approval of bond; providing for office of such Agent; providing qualifications of such Agent; repealing all laws and parts of laws in conflict therewith, to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Lock:

H. B. No. 662, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than Ten nor more than Five Hundred Dollars, to confinement in the penitentiary for not less than one nor more than five years, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Lehman, Mr. Fielden and Mr. Fuchs:

H. B. No. 663, A bill to be entitled "An Act declaring the purpose of the Legislature in matters affecting the collection of State taxes, fees and other moneys, establishing a centralized tax administration in the office of the State Comptroller of Public Accounts; requiring all State officers, departments, boards, bureaus, commissions, institutions, and their agents who are authorized to collect State taxes, fees and other moneys, to use the forms in collecting and reporting collection of taxes, fees, etc., prepared and prescribed by the State Comptroller; empowering the State Comptroller to prepare and prescribe all forms to be used in the collection, reporting and accounting for State taxes, fees, and other moneys collected; giving to the State Comptroller supervision of the collection of all State taxes, fees and other moneys; requiring all State officers, agents, etc., collecting State taxes, fees, etc., to report to the Comptroller; requiring certain facts and information to be included in the reports to the State Comptroller; requiring payments of State taxes, fees and other moneys made by check, draft, etc., to be made payable to the State Treasurer; providing for the issuance of receipts in certain cases; creating a State Revenue Tax Stamp Board; defining the powers of the State Revenue Tax Stamp Board; defining the powers of the State Comptroller in designing, printing, and engraving Texas State Revenue tax stamps; providing for the sale of State revenue tax stamps; establishing in the office of State Treasury a simplified system of accounts by abolishing certain special funds and providing for a system of classified funds; requiring accounts in lieu of special funds; establishing a general tax fund and requiring all moneys in existing special funds to be

placed in the General Fund; providing penalties for violation of this Act; fixing the date on which this Act shall become effective; making an appropriation of Ten Thousand (\$10,000) Dollars; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Dickison:

H. B. No. 664, A bill to be entitled "An Act adding Article 4281a to the Revised Civil Statutes of Texas of 1925, as amended, providing for reimbursement for costs and other expenses incurred by counties in Texas in the trial and transportation of lunatics who are not bona fide residents of the State of Texas, providing for their return to their home State, and declaring an emergency."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Cauthorn:

H. B. No. 665, A bill to be entitled "An Act regulating livestock dealers doing business at other places than U. S. supervised stockyards; defining certain terms used in said Act; requiring compliance with the Act before engaging in the business of livestock dealer; requiring payment of an occupation tax; requiring the keeping of certain accounts, records and memoranda; requiring a bond and prescribing amount, terms, conditions, approval and filing thereof; exempting sales of livestock in auction rings; providing elision clause; prescribing a penalty for violation thereof, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. Howington:

H. B. No. 666, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any pheasants, blue quail or bob white in Comanche County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by pheasants, blue quail or bob whites; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Baker of Fort Bend:

H. B. No. 667, A bill to be entitled "An Act amending Article 2750-A of the Revised Statutes of 1925, as amended by the Acts of the Forty-fifth Legislature, and providing a limitation on the powers of Trustees of Common School Districts, or Consolidated Common School Districts in the election of teachers."

Referred to the Committee on Education.

By Mr. Colquitt:

H. B. No. 668, A bill to be entitled "An Act regulating and controlling the sale and use of firearms in this State; requiring all firearms with exceptions to be registered with County Tax Assessor-Collectors and fixing registration fees; defining certain terms; requiring dealers in firearms to obtain licenses; keep records and make reports to Department of Public Safety and to County Tax Assessor-Collectors; requiring purchasers of firearms to register same within forty-eight (48) hours and setting forth information to be recorded in such registry; requiring a certificate of good character signed by Justice of Peace, County or District Judge as prerequisite to buying pistol or revolver; prohibiting sale or rent of pistol or revolver to person under the heat of passion; prohibiting alteration or obliteration of identification, names, marks and numbers on pistols and revolvers and prescribing penalty therefor; providing for promulgation of rules and regulations; providing for the forfeiture of licenses; providing for civil penalty suits; fixing venue and jurisdiction; providing penalties for violation of Act; repealing Chapter 267, Acts of the Regular Session of the Forty-second Legislature; preserving taxes accrued under repealed law and providing for prosecutions under law as it existed at time of commission of offense; providing that if any part of this Act is declared unconstitutional it shall not affect rest of Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reaves:

H. B. No. 669, A bill to be entitled "An Act creating the Lower Concho River Water and Soil Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties; providing

for its officers and amount and manner of compensating the same, and their duties and powers; providing for the issuance of bonds and the payment thereof; providing for the sale of certain properties and the conditions of such sales; providing for accepting aid from and cooperating with the Federal Government, the State Government, and to cooperate and assist other Soil and Water Districts and Associations, organized for Soil and Water Conservation; and for an appropriation, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hale:

H. B. No. 670, A bill to be entitled "An Act amending Article 2691a, Revised Civil Statutes of 1925; to provide for a rural school supervisor in counties having a population of forty-six thousand, one hundred, (46,100) to forty-six thousand, two hundred (46,200); repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Bell:

H. B. No. 671, A bill to be entitled "An Act amending Section 10 of Chapter 246 of the General Laws of the Regular Session of the Forty-fourth Legislature, and, in connection therewith to declare all unlawful oil and unlawful products to be a nuisance and providing for a formal forfeiture thereof to the State of Texas by proceeding in rem, and for appellate review; providing for the sale of forfeited oil and products, and for costs and fees in such actions of forfeiture, and for the control, impounding and custody of oil and products pending such actions; providing that forfeited oil and products may be delivered to the Board of Control of the State of Texas and providing for the use of such oil and products for public purposes; providing that forfeited oil and products may be processed by or for the Board of Control, and authorizing the use of appropriations for departments, boards, institutions and offices for the expense of processing, transporting and making such oil available for use, and for the payment of costs of such seizure and forfeiture; providing that the Board of Control under certain conditions may sell or

destroy forfeited oil or products; declaring that provisions of this Act are separable and, regardless of invalidity of part of the Act, the balance would have been passed, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Cleveland:

H. B. No. 672, A bill to be entitled "An Act fixing salaries and compensation of County Commissioners in Counties with a population of not less than fourteen thousand, nine hundred and one (14,901) inhabitants nor more than sixteen thousand and one (16,001) inhabitants, according to the last Federal Census, as same now exists or may hereafter exist, and having an assessed valuation of not less than Seven Million, Four Hundred and Thirty-six Thousand (\$7,436,000.00) Dollars, nor more than Eight Million (\$8,000,000.00), Dollars, according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McDaniel and Mr. White:

H. B. No. 673, A bill to be entitled "An Act to enact into the Penal Code of this State a provision declaring it to be disorderly conduct for any person to enter any restaurant, cafe or hotel and order and have served to him any food or refreshments and leave or attempt to leave such premises without paying for such food or refreshments, and providing a penalty for such disorderly conduct, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Roach:

H. B. No. 674, A bill to be entitled "An Act providing for compensation of County Auditors in certain counties, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Stinson:

H. B. No. 675, A bill to be entitled "An Act requiring that all bonds issued by cities, school districts and

other political subdivisions of this State, including bonds to be refunded, be advertised for sale by the governing bodies of such cities, school districts and other political subdivisions before sale; and providing the time and manner for such advertising; and providing for the rejection of all bids and for the advertisement thereof; and providing that this Act shall not prohibit the State Board of Education from exercising its rights to purchase such bonds under the present law regulating the same; providing a penalty for the violation of the provisions of this Act, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Cleveland and Mr. Vale:

H. B. No. 676, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-first Legislature of Texas; authorizing the Board of Directors of Texas Technological College and Board of Directors of the Texas College of Arts and Industries and the Board of Regents of the Texas State Teachers Colleges of Texas to erect and equip and to contract for the erection, completion, and equipment of certain dormitories, cottages, and other buildings and improvements and to purchase or lease additional real estate therefor, to contract with municipalities and school district for the joint construction of certain buildings, to issue certain revenue obligations to pay therefor and as security to pledge the net rents, fees, and revenue and incomes from the improvements to be erected and the net rents, fees, revenue and incomes of other certain properties owned by said colleges, limiting the rate of interest to be borne by such obligations to a rate not to exceed six (6%) per cent per annum and the maturity date thereof for a period not exceeding twenty (20) years from date thereof; authorizing said Boards, Directors and Regents to pledge the unused part of any revenues from self-liquidating buildings for the construction of additions to said buildings or the construction of any other buildings and the purchase of sites therefor, providing that subsequent issue of revenue bonds or notes shall be a second lien and inferior to outstanding revenue bonds or notes secured by pledge of said revenues; prescribing certain powers

and duties in regard to establishing and maintaining schedules of rates, fees, and charges sufficient to pay operating and maintenance costs and to pay principal and interest upon the obligations herein authorized and limiting the maximum fees which may be charged; authorizing said Boards of Regents and Directors to adopt certain rules and regulations in regard to the control of improvements authorized herein; prohibiting the creation of any debt against said colleges or the State of Texas and prescribing the manner of payment of the obligations authorized herein; providing for the approval of all bonds by the Attorney General of Texas and the registration thereof by the Comptroller of Public Accounts of Texas and the approval of the State Auditor of all revenue bonds or revenue notes herein authorized; authorizing said Boards of Regents and Directors to borrow money and issue obligations of said colleges therefor payable within the biennium of the then current appropriation bill; making bonds issued under this law eligible for purchase by insurance companies; empowering said Boards of Regents and Directors to do any and all things necessary and convenient to carry out the purpose and intent of this law; repealing all laws and parts of laws in conflict herewith; providing that if any Section, provision, or part of this Act is held invalid the remaining Sections, provisions, and portions shall not be affected thereby; validating, ratifying and approving and confirming bonds issued or now authorized to be issued, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Brown of Cherokee:

H. B. No. 677, A bill to be entitled "An Act providing additional revenue and amending former Acts of the Legislature of the State of Texas; providing for levying an occupation tax on crude petroleum, oil of 2¼ cents per barrel from the effective date of this Act to January 1, 1940; providing that the tax herein levied is in addition to the tax provided for in House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature, and providing for the provisions of said House Bill No. 8 applying to this Act, except where such provisions conflict with the provisions of this Act; providing for

levying an occupation tax on cigarettes of fifty (50c) per thousand from the effective date of this Act to January 1, 1940; providing that the tax herein levied is in addition to the tax provided for in House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature, and providing for the provisions of said House Bill No. 8 applying to this Act, except where said provisions conflict with the provisions of this Act; providing for the levying of a tax of two (2%) per cent on the market value of gas produced and saved or sold in this State; providing that if any gas is imported into this State on which has been imposed a similar tax, the entity importing said gas shall not pay another tax under the provisions of this Act; providing that said levy shall be from the effective date of this Act to January 1, 1940; providing that the tax herein levied is in addition to the tax provided for in said House Bill No. 8 of the Third Called Session of the Forty-fourth Legislature; and providing for the provisions of said House Bill No. 8 applying to this Act except where such provisions conflict with the provisions of this Act; providing for levying an occupation tax on sulphur producers of forty-seven (47c) cents per long ton or fraction thereof, on all sulphur producers within this State from the effective date of this Act to January 1, 1940; providing that the tax herein levied is in addition to the tax provided for in House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature and providing for the provisions of said House Bill No. 8 applying to this Act except where such provisions conflict with the provisions of this Act; allocating all revenue derived and collected under the provisions of this Act and various divisions thereof to the Available School Fund, teachers retirement benefit, aid to the blind, aid to the destitute, and neglected children and old age assistance; providing for the liquidation of certain outstanding warrant indebtedness against the Old Age Assistance Fund; providing that if any provisions or Sections of this Act are held unconstitutional or invalid, the same shall not operate or defeat any other part of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Alsup:

H. B. No. 678, A bill to be entitled "An Act granting the owner or operator of any oil or gas well which produces salt water or waters containing minerals in an appreciable degree the right to return said waters to any horizon from which such salt water or waters have been produced or which previously produced salt water or waters containing minerals in an appreciable degree; providing that the owner or operator of such well shall make written application to the Railroad Commission of Texas; further providing that the Railroad Commission of Texas shall prescribe rules and regulations to carry out the provisions of this Act; prescribing a penalty therefor, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Skiles:

H. B. No. 679, A bill to be entitled "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners Court of a County may order the Tax Assessor and Collector of said county to post notices in each voting or justice precincts in said county of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Skiles:

H. B. No. 680, A bill to be entitled "An Act to amend Article 3266 of the Revised Civil Statutes of 1925 by adding a new provision to be known as Article 3266 (a) which provides that juries in condemnation suits in certain cases may under certain regulations be permitted to inspect the land sought to be condemned, providing the regulations under which said practice shall be permitted, declaring that all law, decisions or rules to the contrary do not apply in said cases, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Talbert and Mr. Kennedy:

H. B. No. 681, A bill to be entitled "An Act to amend Article 4640, Chapter 4, Title 75, of the Revised Civil



Statutes of Texas, 1925, so as to prohibit one against whom a divorce is granted in Texas from marrying within one year from the date of such divorce, except to the other party of such divorce; and to add Article 4640-A providing a penalty for violation thereof, and repealing all laws and parts of laws in conflict herewith."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Dickison and Mr. Wright:

H. B. No. 682, A bill to be entitled "An Act known as the Teacher Tenure Act for Texas, defining teacher tenure, teacher and Board of Education; providing for the probationary period to entitle a teacher to the benefit of the Act and fixing the conditions of such probationary period; stating causes by which teachers may be dismissed or suspended from service and determining the procedure in case of dismissal or suspension of teachers; providing that school districts, where the Board of Education has not conformed with the requirements of this Act, shall not participate in any portion of the State Public School Funds; making certain miscellaneous provisions for the protection of teachers in case of illness, for leave of absence of teachers, allowing salary reduction in case of lack of funds and providing that the Act shall not interfere with the right of the Board of Education to reduce the number of teachers where such reduction is brought about by natural causes such as a decrease in average daily attendance, elimination of departments, consolidation of schools or the reorganization of same, and providing that, where such reduction in the number of teachers is made, the manner in which preference shall be given to the teachers employed and also the manner of filling vacancies; providing that if any provisions of this Act shall be held unconstitutional it shall not affect the other provisions, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Kinard, Mr. Riviere and Mr. Nicholson:

H. B. No. 683, A bill to be entitled "An Act defining a Commercial Fisherman; providing for a license for any person, firm or corporation operating

as such; providing for the issuance of non-residence licenses; defining the coastal waters over which the State of Texas has jurisdiction; providing for a penalty; providing for the enforcement of this Act, and declaring an emergency and effective date of this Act."

Referred to the Committee on Game and Fisheries.

By Mr. Harris:

H. B. No. 684, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political subdivision of the State may be payable at the office of the State Treasurer; designating and constituting the State Treasurer, Ex-officio Treasurer and fiscal agent of such municipalities and political subdivisions for such purposes; providing for the deposit and payment of funds by municipalities and political subdivisions with the State Treasurer for such purposes; providing that the State Treasurer shall cancel and return coupons and bonds that have matured or have been retired by purchase and shall at the request of the municipality or political subdivision remit balances remaining on hand for two years for which bonds have not been presented for payment, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Pope:

H. B. No. 685, A bill to be entitled "An Act to amend Section 22, Acts, 1935, Forty-fourth Legislature, First Called Session, page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Harp and Mr. Tarwater:

H. B. No. 686, A bill to be entitled "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Riviere, Mr. Nicholson and Mr. Kinard:

H. B. No. 687, A bill to be entitled "An Act giving civil jurisdiction to the Criminal District Court of Jefferson County of suits and causes in matters of divorce, dependent and delinquent children, adoption and habeas corpus in civil proceedings; providing for the transfer and trial of such causes and the duties of the officers of the Court; providing for the civil procedure therein in accordance with the general civil statutes and Article 2092, Revised Civil Statutes of Texas, of 1925, and providing for appeals in civil matters to the Court of Civil Appeals for the Ninth Supreme Judicial District of Texas, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Tarwater and Mr. Petsch:

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. McAlister, Mr. Bradford and Mr. Hull:

H. B. No. 689, A bill to be entitled "An Act amending Article 6675a-5, the Revised Statutes of 1929, as amended by the Forty-first Legislature, 1929, Second Called Session, providing for the registration of motor

cycles or passenger vehicles, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Gilmer:

H. B. No. 690, A bill to be entitled "An Act to amend Article 1037 of Chapter 5, Title 14, of the Revised Criminal Statutes of 1925, as amended by Acts of 1929, Forty-first Legislature, page 676, Chapter 303, making the violation of such Article a felony, prescribing punishment therefor, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Heflin and Mr. Alsup:

H. B. No. 691, A bill to be entitled "An Act transferring all duties, powers, and functions of the State Board of Barber Examiners, and the State Board of Hairdressers and Cosmetologists to the State Department of Health, transferring all funds, equipment and the balance of unexpended appropriations, etc., to the State Board of Health, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Skiles:

H. B. No. 692, A bill to be entitled "An Act to amend Article 3264, Section 1, of the Revised Civil Statutes, as amended by Chapter 37, Acts, 1934, Forty-third Legislature, Second Called Session, by providing that in condemnation suits for the purpose of condemning land for public use in cases where the land is situated in two (2) or more counties, suit may be filed in either county, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Harrell of Lamar:

H. B. No. 693, A bill to be entitled "An Act amending Section 9, Chapter 107, Acts of the Regular Session of the Forty-first Legislature, 1929, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Bond and Mr. Anderson:

H. B. No. 694, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-

fourth Legislature, Regular Session of 1935, as amended by Section 1, Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and to amend Section 2 of Chapter 2 of the Acts of the Forty-second Legislature, Fourth Called Session of 1932, as amended by Section 3, of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Smith of Hopkins:

H. B. No. 695, A bill to be entitled "An Act creating an Industrial Accident Commission; providing for appointment of members; providing for terms of members; providing for selection of members; providing for removal of commissioner; providing for oath of commissioner; providing for bonds of commissioner; providing for salary of commissioner; providing for organization; providing for election of chairman; providing for quorum; providing for assistants; providing for limitation of expense; designating powers and duties of commissioner; providing that records be public; providing for exceptions; providing for rules and regulations; providing for reports from employers; providing for expenses; providing for persons subject to Act; providing for election not to be subject to Act; providing for workmen subject to Act; providing for accidents out of State; providing for injuries compensated; providing for election of remedy; procedure, payments during pendency of action; providing for workmen employed by two (2) or more employers; providing for hazardous occupation clause; providing for transportation of goods in interstate commerce; farming designated as in hazardous occupation; providing definition of employer and workman; providing for compensation of employer and officer of corporation; compensation to members employer's family; providing for other beneficiaries; providing for elective privilege of employer; providing for common-law defense abrogated; providing for employer who has rejected Act may recall rejection; providing for posting of notices; providing statements required of employers engaged in hazardous occupations and penalty; providing recovery of cost of claim from employer who has

failed to give notice; providing for deposit or bond to secure payment of contribution by employer; providing liability of owner of premises for payment of contributions; creating an Industrial Accident Fund; providing for workman's payment and monthly report of employer; providing for an experience rating for contribution; providing for distribution of surplus; creating a catastrophe fund; providing for a revision of rates; designating Industrial Accident Fund, a Trust Fund and State Disclaims Interest; workman entitle to compensation; providing for compensation for fatal injuries; providing for compensation for those permanently total disabled; providing for compensation during total disability; providing for compensation for temporary disability; providing for compensation for temporary partial disability; providing for compensation for permanent partial disability; payment of compensation for other injured workman; providing for compensation if death results during permanent partial disability; providing for the handling of hernia cases; reserving segregated accident fund; providing for other beneficiaries; providing for lump sum payments; providing for compensation for minors; providing for first aid to injured workmen; providing for penalties on default of payment of contributions; providing for the creation of lien upon property for contributions; providing for defense of employer, payment of expenses from the Industrial Accident Fund; providing for violation of safety appliance Act; providing that compensation shall not be assignable or attachable; relating to payment of aliens beneficiaries; providing for time of filing; providing for medical examination; providing for suspension of compensation for injurious practices; providing for employers' reports to the commission of the keeping of records, misrepresentation of payroll, liability, neglect to report accidents and submit records and providing a penalty; providing that non-hazardous and governmental bodies not otherwise subject to Act; providing for application of rehearings and appeals; providing for claims of legal service; providing that the Attorney General shall be legal advisor of Commission; providing for delinquent contributions; providing for disbursements, manner

of making and emergency fund; providing for safety place of employment and safeguards, employers to furnish same, giving the Commission jurisdiction of industrial accidents; describing standards of safety devices and giving permission to prescribe standards; providing for hearings on safety devices; providing for review by the courts; making violations a misdemeanor and prescribing a penalty; providing that the Labor Commissioner enforce orders and rules of the Commission with reference to safety; providing for reports of industrial accidents by railroads, public utilities; providing that no reports be used as evidence in a damage suit; providing for penalty of failure of report; providing for hospitalization; providing employer may collect hospital fees to be supervised by the Industrial Accident Commission and making the same a Trust Fund; providing that the Commission shall make contracts for medical and hospital services; providing for reports of employer as to the amount collected by employer from employee; providing that the Commission shall have power to have employers records inspected; providing a penalty, civil and criminal liability; providing for withholding wages for hospital funds to report to Commissioner of Labor; providing for Vocational Rehabilitation Fund; providing that said Fund shall be expended by the Vocational Rehabilitation Division of the State Department of Education shall buy artificial arms, limbs, for those industrially handicapped; providing for the repeal of Acts in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Howard and Mr. Dickison:

H. B. No. 696, A bill to be entitled "An Act amending Article 307, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 201 of the Regular Session of the Forty-fourth Legislature, page 438, Chapter 176 (1935), exempting graduates of certain law schools from the bar examinations, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Faulkner:

H. B. No. 697, A bill to be entitled "An Act to amend Article 2687, Re-

vised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than fifty-three thousand, nine hundred and thirty (53,930) and not more than fifty-three thousand, nine hundred and forty (53,940), according to the last preceding United States Census; and providing for their compensation; providing the fund from which same shall be paid; prescribing the nature of certain of said meetings; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. King:

H. B. No. 698, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Parker County for a period of four (4) years from and after the passage of this Act; providing for the protection of pastures, crops and/or gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Hartzog:

H. B. No. 699, A bill to be entitled "An Act placing a closed season on shrimp in the inland salt waters of this State during the period of time from and between the 20th day of June and the 20th day of August and during the period of time from and between the 20th day of December and the 20th day of March of any year; providing that shrimp may be taken at any time of the year, with certain tackle, for bait; providing a penalty for violations of this Act; providing for the seizing of tackle for evidence; repealing Section 1-D of Article 941 and all laws conflicting herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Celaya:

H. B. No. 700, A bill to be entitled "An Act providing that no newspaper,

magazine, or other publication, published daily, bi-weekly, weekly, monthly, or otherwise, shall sell, solicit, bargain for, offer or accept political advertisements for money, other consideration, or favors, from more than one candidate for any or all political offices, unless such publication shall have been published and circulated generally for at least twelve (12) months next preceding the acceptance of such political advertisement; provided that this Act shall not apply to those newspapers meeting certain qualifications herein set out; providing a penalty for the breach of this Act, and declaring an emergency."

Referred to the Committee on Privilege, Suffrage and Elections.

By Mr. Howard:

H. B. No. 701, A bill to be entitled "An Act to amend Article 1334, Revised Statutes, 1925, so as to authorize facsimile signatures and seals on stock certificates signed by a transfer agent and registrar, and prescribing the conditions for the use of such facsimiles, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Baker of Grayson:

H. B. No. 702, A bill to be entitled "An Act authorizing the appointment of County Highway Patrolmen by the Commissioners Courts of counties containing not less than sixty-five thousand, eight hundred and forty-three (65,843) inhabitants, and not more than sixty-five thousand, nine hundred (65,900) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Cleveland:

H. B. No. 703, A bill to be entitled "An Act authorizing cooperative agreement between the Public School System and the Board of Regents of the Texas State Teachers Colleges, authorizing the Board of Trustees of the public school and the Board of Regents of the Texas State Teachers Colleges to agree upon the proportionate expense of such school, authorizing the leasing and joint construction of buildings by said Boards, de-

fining public school and laboratory school, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Chambers and Mr. Tennant:

H. B. No. 704, A bill to be entitled "An Act increasing the salaries of the Adjutant General of the State of Texas and of the Assistant Adjutant General of said State, and specifically repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Military Affairs.

By Mr. McAlister:

H. B. No. 705, A bill to be entitled "An Act applicable to cities of Texas having a population in excess of seventy-five thousand (75,000), according to the last preceding Federal Census, providing funds and revenues for the Policemen's Relief and Retirement Fund created by the terms of this Act; creating a Board for the administering of said Fund and providing for the membership thereof, providing for a Treasurer and creating additional duties; providing for contributions by members of the police departments to said funds; providing for the administration of accumulated funds; providing for assignments of back pay and making additional contributions out of general revenues; providing for the investment of funds; providing for the retirement of members after attaining the age of fifty (50) years and having twenty-five (25) years of service in the police department of any city affected hereby; providing for death and total disability benefits incurred in line of duty; providing for payments to children and dependent parents as well as to widows of the members making the contributions provided for herein; providing for extra benefits outside of duty service, and limitations upon benefits to be paid hereunder; providing for refunds to members leaving the service; providing for actuarial valuations; providing for the rendition of services by City Attorney to the Pension Board without additional compensation; providing that said funds shall never be subject to seizure execution, attachment or garnishment and shall not be assignable; providing a saving clause; providing that this Act shall

be cumulative of all other pension legislation and shall not alter, disturb or in any manner change the rights, duties, and obligations created by the existing pension laws of this State and shall not repeal, alter or change any ordinance of any city now providing revenues for a police pension system; providing a saving clause, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Fuchs:

H. B. No. 706, A bill to be entitled "An Act to regulate the taking of bullfrogs; providing a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Corry:

H. B. No. 707, A bill to be entitled "An Act to provide and authorize the use of Texas State Brands and Trade Marks to be used on agricultural products, both raw and processed, to facilitate merchandising of the same; providing that the Commissioner of Agriculture, or his successor, shall design, establish standards and requirements by which such brands and trade marks may be used voluntarily by qualified producers. Providing for inspection and penalties for using without approval, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Corry:

H. B. No. 708, A bill to be entitled "An Act to improve the quality and increase the production of agricultural products; authorizing the creation in local areas of one variety agriculture product zones; provide means of creating said zones; providing for the adoption of the one variety and providing penalties, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Vale:

H. B. No. 709, A bill to be entitled "An Act to amend Chapter No. 467 of the laws passed by the Forty-fourth Legislature at its Second Called Session, by adding thereto Sections 17b and 17c providing for proper description, by labels on the container, of

the character of whiskey or alcoholic compounds held by such containers; providing for showing by label the amount of coloring matter and name thereof used in the contents of such containers; showing the amount of tax paid or payable on the contents of each container; providing punishment and penalties for the violation thereof; making such Act cumulative, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

## HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bell, Mr. Hartzog, Mr. Kerr, Mr. Winfree, Mr. Petsch, Mr. Celaya, Mr. Howard, Mr. Thornton, Mr. Dickison and Mr. Dwyer:

H. J. R. No. 35, Proposing to amend the Constitution of the State of Texas so as to permit the furnishing of State official textbooks free to every child of scholastic age attending any school within the State.

Referred to the Committee on Constitutional Amendments.

By Mr. Baker of Fort Bend:

H. J. R. No. 36, Proposing an amendment to Article VII of the Constitution of the State of Texas by adopting a new Section to be known as Section 1A, providing that the State Department of Education shall consist of a State Superintendent and assistants; providing for election of State Superintendent; prescribing provisions for election results; providing for tie votes and contested elections; prescribing general duties and powers of State Superintendent; providing for installation of State Superintendent; providing for term of office and qualifications; prescribing State Superintendent's salary; providing for an election on the question of adoption or rejection; and making an appropriation therefor; providing for the proclamation and publication thereof, and prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

By Mr. Talbert, Mr. Tarwater, Mr. Stinson and Mr. Hartzog:

H. J. R. No. 37, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adopting a new Section to be known as Section 7-a; providing that all revenues, in excess of the cost of collection, accruing to the State from charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be used exclusively for the construction and maintenance of public highways, including supervision of traffic thereon and payment of interest and principal on certain obligations; prohibiting the diversion of such revenues to any other purpose whatsoever; providing that nothing herein shall limit the authority of the Legislature to apportion to the State Available Free School Fund not to exceed one-fourth ( $\frac{1}{4}$ ) of any charge or tax with respect to the sale or consumption of motor vehicle fuels; providing for proclamation, publication and election and appropriating the necessary funds therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Celaya:

H. J. R. No. 38, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Three Thousand (\$3,000.00) Dollars per annum, shall be subject to call at any time and shall be entitled to mileage at five cents (5c) a mile for each mile traveled coming to and going from the seat of government; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Clark, House Bill No. 599 was ordered not printed.  
RELATIVE TO THE CONSIDERATION OF CERTAIN MEASURES

Mr. Bray offered the following resolution:

H. S. R. No. 138, Relative to the introduction of certain measures.

Whereas, We have in our statutes today hundreds of laws that are useless, and a great many that are actually harmful, as a result of that apparently overwhelming impulse to be known as the author of a law; and

Whereas, Many of these laws have been enacted and passed at the instance of special groups, without regard to the interest of our entire citizenship, and in other instances laws have been enacted in which no person in Texas had any interest except the author of the bill; and

Whereas, It is a cardinal principle of good government that a country whose citizens are least governed are best governed; and

Whereas, There are only a very few issues before this Legislature that are of importance to the general citizenship of this State, and there is danger that we may not be able to pass these major measures if our calendar becomes cluttered and clogged with a mass of immaterial, useless and unimportant bills; and

Whereas, This Legislature has a wonderful opportunity to serve the people of Texas by concentrating its efforts on the general appropriation bills, the setting up of a sensible social security program and providing a means of supporting such program by taxation; now therefore be it

Resolved by the Members of the House of Representatives of the Forty-sixth Legislature, That we and each of us devote our efforts to those measures which in our judgment are of importance to the people of Texas, and refrain from introducing and urging the passage of bills which can serve no purpose except to establish us as authors, kill time, and add to the mountain of useless and unnecessary laws already in our statutes.

The resolution was read second time, and was adopted.

(Mr. Hardin in the Chair.)

#### NAMING ARNOLD JOSEPH VALE, JR., MASCOT OF THE HOUSE

Mr. Leonard offered the following resolution:

H. S. R. No. 140, Naming Arnold Joseph Vale, Jr., as Mascot of the House.

Whereas, At 5:00 o'clock on the morning of the 26th day of January, 1939, one of our fellow members, the



Hon. Arnold J. Vale, received word of the impending arrival of a new potential voter in Starr County; and

Whereas, Our fellow Member immediately and without delay, and before the sun had risen, left post haste for Rio Grande City in order that he might be on hand to welcome this potential voter; and

Whereas, This potential voter out-distanced our fellow Member by a full 10 minutes; now, therefore, be it

Resolved, That the House of Representatives hereby congratulates Arnold Joseph Vale, Jr., on his ability to out-distance his father in all things; and be it further

Resolved, That the House of Representatives congratulates Hon. and Mrs. Arnold J. Vale on the arrival of their son, and that Arnold Joseph Vale, Jr., is hereby declared officially named as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That said Mascot have his picture made and placed in the official group picture of this body.

LEONARD,  
CELAYA,  
POPE,  
LEYENDECKER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson,

Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Se-grist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

(Mr. Leonard in the Chair.)

On the motion of Mr. Hardin, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

#### TO PROVIDE FOR PAYING CERTAIN REPORTER

Mr. Ragsdale offered the following resolution:

H. S. R. No. 141, To provide for paying certain reporter.

Whereas, The Chairman of the House Agricultural Committee, in conjunction with the House Agricultural Committee and the Chairman of the Senate Agricultural Committee, invited the farmers of Texas to attend the first Dirt Farmer Congress in the City of Austin, Texas, on February 15th and 16; and

Whereas, There were approximately one thousand farmers from over one hundred Texas counties; and

Whereas, These farmers in this two-day meeting discussed various problems of Texas agriculture about which the Legislature might do something; and

Whereas, This information which came directly from the farmers to the Legislature is considered of great value to the Members of the Legislature, and since it came from such a representative group of actual farmers; and

Whereas, It became necessary to employ an outside reporter to make a record of this hearing; therefore be it

Resolved, That the Committee on Contingent Expenses be authorized and directed to pay the sum of Fifty (\$50.00) Dollars to the reporter for services rendered in this connection and out of the funds appropriated for



contingent expenses of the House of Representatives.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on Contingent Expenses.

#### GRANTING PERMISSION TO EACH HOUSE TO ADJOURN FOR CERTAIN PERIOD

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 11, Granting permission to each House to adjourn for certain period.

Whereas, The Legislature of the State of Texas has accepted an invitation to attend patriotic exercises to be conducted by the American Legion and others at Old Washington-on-the-Brazos on Texas Independence Day, March 2, 1939; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That each House grant the other permission to adjourn from Wednesday, March 1, 1939, to Monday, March 6, 1939.

The resolution was read second time, and was adopted.

#### TO MEMORIALIZE CONGRESS IN REGARD TO TARIFF EQUALIZATION PAYMENTS TO FARMERS

Mr. Brown of Cherokee offered the following resolution:

H. C. R. No. 49, Memorializing Congress in regard to tariff equalization payments to farmers.

Whereas, It is the avowed purpose of our representative Democracy to provide a government of the people for the people; and

Whereas, National laws, more than State or local laws, directly affect for good or for evil the economic and social life of every citizen of this Nation; and

Whereas, The protective tariff policy, system and laws of this Nation have effectively and greatly benefited American industry and industrial labor, and at the same time have not only failed to protect but have so adversely affected farming as to impoverish and bankrupt the enterprise of American agriculture; and

Whereas, It has been clearly demonstrated that our tariff policies,

whether originally so intended or not, actually provide special benefits for one vocation or class of American citizens and deny another vocation or class the right of equal economic and social opportunity; and

Whereas, This governmental tariff favoritism on the one hand and discrimination on the other is the direct and sole cause for the necessity of national and local human relief appropriations by our governments; and

Whereas, We would not bankrupt American industry and industrial labor, especially since the passage of the wage and hour law, by repealing the protective tariff; and

Whereas, The American farmers as a vocation or class under any rule of equity are justly entitled to their full portion of the tariff benefits; and

Whereas, If each farmer, not farm, here before had been paid his rightful portion of the protective tariff benefits, there would be no occasion for national or local relief, therefore, be it

Resolved, That the House of Representatives of the State of Texas, the Senate concurring, earnestly implore the Congress of the United States, especially the Texas Delegation thereof, to immediately provide for tariff equalization benefit payments to each farmer, not farm, regardless of the fertility or size of the farm on which he may reside, according to the normal American consumptive and buying power of his family, based on such families annual crop production of its equal compensation quota of the American domestic consumption of such crop or crops.

BROWN of Cherokee,  
RAGSDALE.

The resolution was read second time.

On motion of Mr. Wood, the resolution was referred to the Committee on Agriculture.

#### RECALLING SENATE BILL NO. 173 FROM THE HOUSE OF REPRESENTATIVES

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 12, Recalling Senate Bill No. 173 from the House of Representatives.

Whereas, Senate Bill No. 173 finally passed the Senate, Thursday, February 9, A. D. 1939; and

Whereas, Said bill fails to accomplish the purpose for which it was intended; and

Whereas, Said bill is now in the House; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That said Senate Bill No. 173 be returned to the Senate for the purpose of a more thorough consideration and revision.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 23, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 33, A bill to be entitled "An Act to require all purchasers of trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act to amend the Acts of 1925, Thirty-ninth Legislature, page 86, Chapter 25, Section 77, as added to by Acts of 1929, Forty-first Legislature, page 578, Chapter 280, Section 9, Article 7880-77a, by re-enacting Section (b) under said Section 77a of Article 7880 of the Revised Civil Statutes of 1925, so that limitation shall not run or be pleaded against any taxes or assessments provided for in Sections 106, 107, 108 and 109 of Chapter 25, the specific purpose of this Act being to re-enact said Section (b) which has been held invalid by the United States District Court, in Re: American Rio Grande Land and Irrigation Company, D. C. 21 Federal Reporter Supp. 492, because the provision therefor was not set forth in the caption of the bill wherein said Section (b) was enacted, and declaring an emergency."

S. B. No. 193, A bill to be entitled "An Act to authorize the State Highway Commission, acting through its Chairman pursuant to order of the Commission, to convey lands or interests therein, owned by the State of

Texas, acquired for use as a right-of-way for State highways in any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress, and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act further regulating all life, health and accident assessment insurance companies or associations or burial societies, repealing conflicting laws, authorizing the Board of Insurance Commissioners to limit the use of names, and to pass upon the worthiness of officers; requiring bonds of all employees having access to moneys; requiring deposits and limiting advertisements thereof; providing for keeping rosters and records of clubs, classes or groups, and prohibiting transfer of members, classes or groups to other associations or to other classes or groups without the approval of the Board; requiring the keeping of adequate records satisfactory to the Board; prescribing the contents and form of applications and certificates, and renewal thereof, and declaring an emergency."

Adopted

H. C. R. No. 27, Petitioning the Texas Members of Congress to oppose the Nye resolution.

H. C. R. No. 46, Endorsing Hon. Joseph C. Hutcheson for membership in the Supreme Court.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### HOUSE BILL NO. 311 WITH SENATE AMENDMENTS

Mr. Thornton called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Thornton, the House concurred in the Senate amendments by the following vote:

Yeas—131

Allison	Harrell of Lamar
Alsup	Harris
Anderson	Hartzog
Bailey	Holland
Baker	Howard
of Fort Bend	Howington
Baker of Grayson	Hull
Bell	Hunt
Blankenship	Isaacks
Bond	Johnson of Ellis
Boyd	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bradford	Kern
Bray	Kersey
Bridgers	King
Broadfoot	Langdon
Brown of Cherokee	Lehman
Brown	Leyendecker
of Nacogdoches	Little
Bundy	Lock
Burney	Loggins
Cauthorn	London
Chambers	Mays
Clark	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	McNamara
Cornett	Mohrmann
Corry	Monkhouse
Crossley	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Nicholson
Dean	Oliver
Derden	Olsen
Dickson	Pevehouse
Dickson	Pope
Donaghey	Reader of Erath
Dowell	Reed
Dwyer	Rhodes
Faulkner	Riviere
Ferguson	Roach
Fielden	Roberts
Galbreath	Robinson
Gilmer	Russell
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Skiles
Hankamer	Smith of Frio
Hardeman	Smith of Hopkins
Harp	Smith
Harrell of Bastrop	of Matagorda

Spencer	Voigt
Stinson	Waggoner
Stoll	Weldon
Talbert	Wells
Tarwater	Westbrook
Taylor	White
Thornberry	Wilson
Thornton	Winfree
Turner	Wood
Vale	Worley
Vint	Wright

Nays—3

Allen	Kerr
Hardin	

Absent

Celaya	Pace
Felty	Petsch
Fuchs	Ragsdale
Harper	Reader of Bexar
Heflin	Reaves
Kinard	Tennant

Absent—Excused

Burkett	Piner
---------	-------

#### SENATE BILL NO. 178 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013), according to the scholastic census of 1938-1939, any elementary school district in a grouped high school district may by majority vote of its people create an independent school district; providing a method of election therefor, and declaring an emergency."

The bill was read second time, and passed to third reading.

#### SENATE BILL NO. 178 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended,

and that Senate Bill No. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Allison	Holland
Alsup	Howard
Anderson	Howington
Bailey	Hull
Baker	Hunt
of Fort Bend	Isaacks
Baker of Grayson	Johnson of Ellis
Bell	Johnson of Tarrant
Blankenship	Keith
Bond	Kennedy
Boyer	Kern
Bradbury	Kerr
Bradford	Kersey
Bray	King
Bridgers	Langdon
Broadfoot	Lehman
Brown of Cherokee	Leyendecker
Bundy	Little
Cauthorn	Lock
Chambers	Loggins
Clark	Mays
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McDonald
Colquitt	McFarland
Colson, Mrs.	McMurry
Cornett	McNamara
Crossley	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dean	Newell
Derden	Nicholson
Dickson	Oliver
Dickson	Olsen
Dowell	Pace
Dwyer	Pevehouse
Faulkner	Pope
Ferguson	Ragsdale
Fielden	Reader of Erath
Galbreath	Reed
Gilmer	Rhodes
Goodman	Riviere
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Hardeman	Segrist
Hardin	Skiles
Harp	Smith of Frio
Harper	Smith of Hopkins
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Harris	Stinson
Hartzog	Stoll
Heflin	Talbert

Tarwater	Weldon
Taylor	Wells
Tennant	Westbrook
Thornberry	White
Thornton	Wilson
Turner	Winfree
Vale	Wood
Vint	Worley
Voigt	Wright
Waggoner	

Present—Not Voting

Allen

Absent

Boyd	Kinard
Brown	London
of Nacogdoches	Petsch
Burney	Reader of Bexar
Celaya	Reaves
Corry	Schuenemann
Donaghey	Shell
Felty	Spencer
Fuchs	

Absent—Excused

Burkett

Piner

The Chair then laid Senate Bill No. 178 before the House of its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—134

Allison	Crossley
Alsup	Daniel
Anderson	Davis of Jasper
Bailey	Davis of Upshur
Baker	Dean
of Fort Bend	Derden
Baker of Grayson	Dickson
Bell	Dickson
Blankenship	Dowell
Bond	Dwyer
Boyd	Faulkner
Boyer	Ferguson
Bradbury	Fielden
Bradford	Galbreath
Bray	Gilmer
Bridgers	Goodman
Broadfoot	Gordon, Mrs.
Brown of Cherokee	Hale
Bundy	Hamilton
Cauthorn	Hankamer
Chambers	Hardeman
Clark	Hardin
Cleveland	Harp
Cockrell	Harper
Coleman	Harrell of Bastrop
Colquitt	Harrell of Lamar
Colson, Mrs.	Harris
Cornett	Hartzog

Heflin	Pope
Holland	Ragsdale
Howard	Reader of Erath
Howington	Reed
Hull	Rhodes
Hunt	Riviere
Isaacks	Roach
Johnson of Ellis	Roberts
Johnson of Tarrant	Robinson
Keith	Russell
Kennedy	Segrist
Kern	Shell
Kerr	Skiles
Kersey	Smith of Frio
King	Smith of Hopkins
Langdon	Smith
Lehman	of Matagorda
Leyendecker	Spencer
Little	Stinson
Lock	Stoll
Loggins	Talbert
London	Tarwater
Mays	Taylor
McAlister	Tennant
McDaniel	Thornberry
McDonald	Thornton
McFarland	Turner
McMurry	Vale
McNamara	Vint
Mohrmann	Voigt
Monkhouse	Waggoner
Montgomery	Weldon
Morris	Wells
Newell	Westbrook
Nicholson	White
Oliver	Wilson
Olsen	Winfree
Pace	Wood
Petsch	Worley
Pevehouse	Wright

Present—Not Voting

Allen

Absent

Brown	Felty
of Nacogdoches	Fuchs
Burney	Kinard
Celaya	Reader of Bexar
Corry	Reaves
Donaghey	Schuenemann

Absent—Excused

Burkett

Piner

# HOUSE BILL NO. 92 ON FINAL PASSAGE

The Chair laid before the House, as unfinished business, on its final passage,

H. B. No. 92, A bill to be entitled  
"An Act amending Article 2618 of

the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill having been read third time, on yesterday.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 92, by adding a new Section following Section 3 to be known as Section 3a, to read as follows:

"The provisions of this Act shall not be mandatory but shall be left to the discretion of the Board of Directors of the Agricultural and Mechanical College of Texas, who shall have the authority to investigate the need for such institutions."

Mr. Johnson of Tarrant moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—47

Allison	Gordon, Mrs.
Anderson	Hamilton
Bell	Hardin
Boyer	Harp
Bradford	Harrell of Bastrop
Broadfoot	Harris
Bundy	Holland
Burney	Howard
Chambers	Howington
Cleveland	Hull
Cockrell	Isaacks
Corry	Johnson of Ellis
Derden	Johnson of Tarrant
Dickison	Loggins
Fielden	Mays

McAlister	Rhodes
McDaniel	Robinson
McNamara	Segrist
Monkhouse	Stinson
Montgomery	Vale
Pevehouse	Wells
Reader of Bexar	Wilson
Reader of Erath	Winfree
Reed	

## Nays—78

Allen	Kern
Alsup	Kerr
Bailey	Kersey
Baker	King
of Fort Bend	Langdon
Baker of Grayson	Lehman
Blankenship	Leyendecker
Bond	Lock
Boyd	McFarland
Bradbury	Mohrmann
Bray	Morris
Bridgers	Newell
Brown of Cherokee	Nicholson
Brown	Olsen
of Nacogdoches	Pace
Cauthorn	Petsch
Celaya	Reaves
Clark	Riviere
Coleman	Roach
Colquitt	Roberts
Colson, Mrs.	Russell
Cornett	Skiles
Crossley	Smith of Frio
Daniel	Smith of Hopkins
Davis of Jasper	Smith
Davis of Upshur	of Matagorda
Dickson	Spencer
Dowell	Stoll
Faulkner	Tarwater
Ferguson	Taylor
Fuchs	Tennant
Galbreath	Thornberry
Gilmer	Thornton
Goodman	Vint
Hale	Voigt
Hardeman	Waggoner
Harper	Westbrook
Heflin	Wood
Hunt	Worley
Keith	Wright
Kennedy	

## Present—Not Voting

McDonald

## Absent

Dean	Hartzog
Donaghey	Kinard
Dwyer	Little
Felty	London
Hankamer	McMurry
Harrell of Lamar	Oliver

Pope	Talbert
Ragsdale	Turner
Schuenemann	Weldon
Shell	White

## Absent—Excused

Burkett	Piner
---------	-------

Question then recurring on the amendment by Mr. Wood, it was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—80

Allen	Kerr
Alsup	Kersey
Bailey	Kinard
Baker	King
of Fort Bend	Langdon
Baker of Grayson	Lehman
Blankenship	Leyendecker
Bond	Lock
Boyd	McFarland
Bradbury	McMurry
Bray	Mohrmann
Bridgers	Morris
Brown of Cherokee	Newell
Brown	Nicholson
of Nacogdoches	Olsen
Cauthorn	Pace
Chambers	Petsch
Clark	Reaves
Colquitt	Riviere
Colson, Mrs.	Roach
Cornett	Roberts
Crossley	Robinson
Daniel	Russell
Davis of Jasper	Skiles
Davis of Upshur	Smith of Frio
Dickson	Smith of Hopkins
Dowell	Smith
Faulkner	of Matagorda
Ferguson	Spencer
Fuchs	Stoll
Galbreath	Tarwater
Gilmer	Taylor
Goodman	Tennant
Hale	Thornberry
Hardeman	Thornton
Harper	Vint
Harrell of Lamar	Voigt
Heflin	Waggoner
Hunt	Westbrook
Keith	Wood
Kennedy	Worley
Kern	

## Nays—51

Allison	Bradford
Anderson	Broadfoot
Bell	Bundy
Boyer	Burney

Celaya	McAlister
Cleveland	McDaniel
Cockrell	McNamara
Coleman	Monkhouse
Corry	Montgomery
Derden	Pevehouse
Dickison	Ragsdale
Gordon, Mrs.	Reader of Bexar
Hamilton	Reader of Erath
Hankamer	Reed
Hardin	Rhodes
Harp	Segrist
Harrell of Bastrop	Stinson
Harris	Talbert
Holland	Vale
Howington	Weldon
Hull	Wells
Isaacks	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Loggins	Wright
Mays	

Present—Not Voting

McDonald

Absent

Dean	Little
Donaghey	London
Dwyer	Oliver
Felty	Pope
Fielden	Schuenemann
Hartzog	Shell
Howard	Turner

Absent—Excused

Burkett

Piner

Mr. Wood moved that further consideration of House Bill No. 92 be postponed until Saturday, April 1, 1939.

Mr. Johnson of Tarrant moved to table the motion to postpone.

Question recurring on the motion to table, it was lost.

Mr. Bond moved the previous question, on the motion to postpone, and the main question was ordered.

Question recurring on the motion to postpone House Bill No. 92, yeas and nays were demanded.

The motion to postpone the bill prevailed by the following vote:

Yeas—73

Allen	Baker of Grayson
Alsop	Bond
Bailey	Boyd
Baker	Bridgers
of Fort Bend	Brown of Cherokee

Brown	McFarland
of Nacogdoches	McMurry
Cauthorn	Mohrmann
Chambers	Morris
Clark	Nicholson
Cockrell	Olsen
Colquitt	Pace
Colson, Mrs.	Petsch
Cornett	Reaves
Corry	Riviere
Crossley	Roach
Daniel	Roberts
Davis of Jasper	Robinson
Davis of Upshur	Russell
Faulkner	Skiles
Ferguson	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Smith
Gilmer	of Matagorda
Hale	Spencer
Hardeman	Stoll
Howington	Tarwater
Hunt	Tennant
Keith	Thornberry
Kennedy	Thornton
Kern	Turner
Kerr	Vint
Kersey	Voigt
King	Waggoner
Langdon	Weldon
Lehman	Westbrook
Leyendecker	Wood
Lock	Worley

Nays—63

Allison	Harrell of Lamar
Anderson	Harris
Bell	Hartzog
Blankenship	Heflin
Boyer	Holland
Bradbury	Hull
Bradford	Isaacks
Bray	Johnson of Ellis
Broadfoot	Johnson of Tarrant
Bundy	Loggins
Burney	Mays
Celaya	McAlister
Cleveland	McDaniel
Coleman	McNamara
Dean	Monkhouse
Derden	Montgomery
Dickison	Newell
Dickson	Pevehouse
Dowell	Pope
Felty	Ragsdale
Fielden	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reed
Hamilton	Rhodes
Hankamer	Segrist
Hardin	Shell
Harp	Stinson
Harrell of Bastrop	Talbert

Taylor  
Vale  
Wells  
White

Wilson  
Winfree  
Wright

Present—Not Voting

Howard

McDonald

Absent

Donaghey  
Dwyer  
Harper  
Kinard

Little  
London  
Oliver  
Schuenemann

Absent—Excused

Burkett

Piner

Mr. Alsup asked unanimous consent of the House, that the date set in the motion of Mr. Wood in postponing House Bill No. 92, be changed to 10:30 o'clock a. m., March 27, 1939.

There was no objection offered, and it was so ordered.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 23, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 175, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Spears, Nelson, Graves, Martin and Van Zandt.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### REQUEST OF SENATE GRANTED

On motion of Mr. Dickison, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 175.

In accordance with the above action, the Chair announced the appointment of the following Conference Committee on Senate Bill No. 175:

Messrs. Dickison, Dwyer, Howard, Stinson and Johnson of Tarrant.

#### HOUSE BILL NO. 556 ON SECOND READING

Mr. Kinard moved that the necessary House Rules and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 556 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—138

Allen	Galbreath
Allison	Gilmer
Alsup	Goodman
Anderson	Gordon, Mrs.
Bailey	Hale
Baker	Hamilton
of Fort Bend	Hankamer
Baker of Grayson	Hardeman
Bell	Hardin
Blankenship	Harp
Bond	Harper
Boyd	Harrell of Bastrop
Boyer	Harrell of Lamar
Bradbury	Harris
Bradford	Hartzog
Bray	Heflin
Bridgers	Holland
Broadfoot	Howard
Brown of Cherokee	Howington
Brown	Hull
of Nacogdoches	Hunt
Bundy	Isaacks
Burney	Johnson of Ellis
Cauthorn	Johnson of Tarrant
Celaya	Keith
Chambers	Kennedy
Clark	Kern
Cleveland	Kerr
Cockrell	Kersey
Coleman	Kinard
Colquitt	King
Colson, Mrs.	Langdon
Cornett	Lehman
Corry	Leyendecker
Crossley	Lock
Daniel	Loggins
Davis of Jasper	McAlister
Davis of Upshur	McDaniel
Dean	McDonald
Derden	McFarland
Dickison	McMurry
Dickson	McNamara
Dowell	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver



Olsen	Stinson
Petsch	Talbert
Pevehouse	Tarwater
Pope	Taylor
Ragsdale	Tennant
Reader of Bexar	Thornberry
Reader of Erath	Thornton
Reed	Turner
Rhodes	Vale
Riviere	Vint
Roach	Voigt
Roberts	Waggoner
Robinson	Weldon
Russell	Wells
Schuenemann	Westbrook
Segrist	White
Shell	Wilson
Skiles	Winfree
Smith of Frio	Wood
Smith	Worley
of Matagorda	Wright
Spencer	

Nays—2

Little	Reaves
	Absent
Donaghey	Pace
London	Smith of Hopkins
Mays	Stoll

Absent—Excused

Burkett	Piner
---------	-------

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 556, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

The bill was read second time.

(Mr. Wood in the Chair.)

Mr. Thornton offered the following committee amendment to the bill:

Amend House Bill No. 556, by striking out the words "in the State," appearing in paragraph 2, line 10 of the typewritten bill.

The amendment was adopted.

House Bill No. 556 was then passed to engrossment.

(Mr. Leonard in the Chair.)

# HOUSE BILL NO. 556 ON THIRD READING

The Chair then laid House Bill No. 556 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—135

Allen	Harrell of Lamar
Allison	Harris
Alsup	Hartzog
Anderson	Heflin
Bailey	Holland
Baker	Howard
of Fort Bend	Howington
Baker of Grayson	Hull
Bell	Hunt
Blankenship	Isaacks
Bond	Johnson of Ellis
Boyd	Keith
Boyer	Kennedy
Bradbury	Kern
Bradford	Kersey
Bray	Kinard
Bridgers	King
Broadfoot	Langdon
Brown of Cherokee	Lehman
Brown	Leyendecker
of Nacogdoches	Little
Bundy	Lock
Burney	Loggins
Cauthorn	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McFarland
Cleveland	McMurry
Cockrell	McNamara
Coleman	Mohrmann
Colson, Mrs.	Montgomery
Cornett	Morris
Corry	Newell
Crossley	Nicholson
Daniel	Oliver
Davis of Jasper	Olsen
Davis of Upshur	Pevehouse
Derden	Pope
Dickison	Ragsdale
Dickson	Reader of Bexar
Dowell	Reader of Erath
Dwyer	Reaves
Faulkner	Reed
Felty	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Gilmer	Russell
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Skiles
Hankamer	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson

Talbert	Waggoner
Tarwater	Weldon
Taylor	Wells
Tennant	Westbrook
Thornberry	White
Thornton	Wilson
Turner	Winfree
Vale	Wood
Vint	Worley
Voigt	Wright

## Absent

Colquitt	Mays
Dean	Monkhouse
Donaghey	Pace
Johnson of Tarrant	Petsch
Kerr	Stoll
London	

## Absent—Excused

Burkett	Piner
---------	-------

## HOUSE BILL NO. 557 ON SECOND READING

Mr. Baker of Fort Bend moved that the necessary House Rules and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 557 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136

Allison	Cleveland
Alsup	Cockrell
Anderson	Coleman
Bailey	Colquitt
Baker	Colson, Mrs.
of Fort Bend	Cornett
Baker of Grayson	Corry
Bell	Crossley
Blankenship	Daniel
Bond	Davis of Jasper
Boyd	Davis of Upshur
Boyer	Dean
Bradbury	Derden
Bradford	Dickison
Bray	Dickson
Bridgers	Dwyer
Broadfoot	Faulkner
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fielden
Bundy	Fuchs
Burney	Galbreath
Cauthorn	Goodman
Celaya	Gordon, Mrs.
Chambers	Hale
Clark	Hamilton

Hankamer	Pace
Hardeman	Pevehouse
Hardin	Pope
Harp	Ragsdale
Harper	Reader of Bexar
Harrell of Bastrop	Reader of Erath
Harrell of Lamar	Reaves
Harris	Reed
Hartzog	Rhodes
Heflin	Riviere
Holland	Roach
Howard	Roberts
Howington	Robinson
Hull	Russell
Hunt	Schuenemann
Isaacks	Segrist
Johnson of Ellis	Shell
Johnson of Tarrant	Skiles
Keith	Smith of Hopkins
Kennedy	Smith
Kern	of Matagorda
Kerr	Spencer
Kersey	Stinson
Kinard	Talbert
King	Tarwater
Langdon	Taylor
Lehman	Tennant
Leyendecker	Thornberry
Lock	Thornton
Loggins	Turner
Mays	Vale
McAlister	Vint
McDaniel	Voigt
McDonald	Waggoner
McMurry	Weldon
McNamara	Wells
Mohrmann	Westbrook
Monkhouse	White
Montgomery	Wilson
Morris	Winfree
Newell	Wood
Nicholson	Worley
Oliver	Wright
Olsen	

## Absent

Allen	London
Donaghey	McFarland
Dowell	Petsch
Gilmer	Smith of Frio
Little	Stoll

## Absent—Excused

Burkett	Piner
---------	-------

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 557, A bill to be entitled "An Act to amend Article 7064a, Revised Civil Statutes of Texas, 1925, as amended by Section 1-b, Chapter 258, House Bill No. 441, of the Acts

of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

### HOUSE BILL NO. 557 ON THIRD READING

The Chair then laid House Bill No. 557 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—140

Allen	Fielden
Allison	Fuchs
Alsup	Galbreath
Anderson	Gilmer
Bailey	Goodman
Baker	Gordon, Mrs.
of Fort Bend	Hale
Baker of Grayson	Hamilton
Bell	Hankamer
Blankenship	Hardin
Bond	Harp
Boyd	Harper
Boyer	Harrell of Bastrop
Bradbury	Harrell of Lamar
Bradford	Harris
Bray	Hartzog
Bridgers	Heflin
Broadfoot	Holland
Brown of Cherokee	Howard
Brown	Howington
of Nacogdoches	Hull
Bundy	Hunt
Burney	Isaacks
Cauthorn	Johnson of Ellis
Celaya	Johnson of Tarrant
Chambers	Keith
Clark	Kennedy
Cleveland	Kern
Cockrell	Kerr
Coleman	Kersey
Colquitt	Kinard
Colson, Mrs.	King
Cornett	Langdon
Corry	Lehman
Crossley	Leyendecker
Daniel	Little
Davis of Jasper	Lock
Davis of Upshur	Loggins
Dean	Mays
Derden	McAlister
Dickison	McDaniel
Dickson	McDonald
Dowell	McFarland
Dwyer	McMurry
Faulkner	McNamara
Felty	Mohrmann
Ferguson	Monkhouse

Montgomery	Smith
Morris	of Matagorda
Newell	Spencer
Nicholson	Stinson
Oliver	Talbert
Olsen	Tarwater
Pace	Taylor
Pevehouse	Tennant
Pope	Thornberry
Ragsdale	Thornton
Reader of Erath	Turner
Reaves	Vale
Reed	Vint
Rhodes	Voigt
Riviere	Waggoner
Roach	Weldon
Roberts	Wells
Robinson	Westbrook
Russell	White
Schuenemann	Wilson
Segrist	Winfree
Shell	Wood
Skiles	Worley
Smith of Frio	Wright
Smith of Hopkins	

### Absent

Donaghey	Petsch
Hardeman	Reader of Bexar
London	Stoll

### Absent—Excused

Burkett	Piner
---------	-------

### HOUSE BILL NO. 20 ON SECOND READING

On motion of Mr. Ragsdale, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for the establishing of County Soil Conservation Advisory Committees, etc., and declaring an emergency."

The Chair then laid House Bill No. 20 before the House, and it was read second time.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Section 8, page 24, by striking out in lines 23 and 25, the words "two-thirds," and inserting in lieu thereof the words "nine-tenths."

The amendment was adopted.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Subsection 3, of Section 5, line 22, page 12, by adding the following: "provided that no such district shall exceed in total area three thousand (3,000) square miles."

The amendment was adopted.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Section 13, page 31, line 5, by striking out the words, "no informalities in the conduct of such election or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given substantially as herein provided and said election shall have been fairly conducted," and inserting in lieu thereof the following: "Such elections shall be conducted in conformity with the General Election Laws of this State, except that the ballot shall not be numbered or marked for identification purposes, and provided further that the Board determine the number of persons necessary to hold such election, but in no event to be less than three."

Mr. Ragsdale offered the following amendment to the committee amendment:

Amend committee amendment No. 3 to House Bill No. 20, by adding thereto the following after the word three, "and except as herein otherwise provided."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Section 8, page 24, line 18, following the word "vote," by striking out the sentence: "No informalities in the conduct of such election or in any matters

relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given substantially as herein provided, and said election shall have been fairly conducted," and inserting in lieu thereof the following, "in conformity with the General Election Laws of this State, excepting that the ballot shall not be numbered or marked for identification purposes."

Mr. Ragsdale offered the following amendment to the committee amendment:

Amend committee amendment No. 4 to House Bill No. 20, by adding thereto the following after the word "purposes," "except as herein otherwise provided."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Subsection D of Section 5, page 15, line 6, following the word "voters," by striking out the sentence: "No informalities in the conduct of such election, or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given substantially as herein provided and said election shall have been fairly conducted," and inserting in lieu thereof the following: "All such elections held under the provisions of this Act shall be in conformity with the General Election Laws of this State, except that the ballot shall not be numbered or marked for identification purposes."

Mr. Ragsdale offered the following amendment to the committee amendment:

Amend committee amendment No. 5 to House Bill No. 20, by adding thereto the following after the word "purposes": "and except as herein otherwise provided".

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Section 6, page 19, line 24, after the word "thereof", by adding the following: "in conformity with the General Elec-

tion Laws of this State, except that the ballots shall not be numbered or marked for identification purposes”.

Mr. Ragsdale offered the following amendment to the committee amendment:

Amend committee amendment No. 6 to House Bill No. 20, by adding thereto the following after the word “purposes”: “and except as herein otherwise provided.”

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Ragsdale offered the following committee amendment to the bill:

Amend House Bill No. 20, Section 9, page 27, line 10, after the word “lands”, by adding the following: “provided further that in no case shall the total charge for the work done by said supervisors or anyone under them, and to be charged against said lands, ever exceed ten (10) per cent of the rendition of said land”.

Mr. Ragsdale offered the following amendment to the committee amendment:

Amend committee amendment No. 7 to House Bill No. 20, by changing the words and figures “ten (10)” wherever they appear in the amendment to the words and figures “fifteen (15)”.

RAGSDALE,  
HARDEMAN,  
TARWATER,

Question—Shall the amendment to the committee amendment be adopted?

#### MESSAGE FROM THE SENATE

Austin, Texas, February 23, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 159, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Spears, Stone of Galveston, Kelley, Lanning and Moffett.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### ADDITIONAL SIGNERS OF BILL AND RESOLUTION

Mr. Segrist was authorized to sign House Bill No. 20, as co-author of same.

Mr. Dwyer was authorized to sign House Joint Resolution No. 35, as co-author of same.

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 7, Providing for the participation of Texas in the New York World's Fair and the San Francisco Golden Gate Exposition.

S. C. R. No. 8, Relative to the consumption of cotton.

S. C. R. No. 10, Providing for the exhibition of certain map showing the Big Bend Area of the State of Texas.

S. C. R. No. 12, Recalling Senate Bill No. 173 from the House.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 33, to the Committee on Criminal Jurisprudence.

Senate Bill No. 135, to the Committee on Insurance.

Senate Bill No. 154, to the Committee on Conservation and Reclamation.

Senate Bill No. 193, to the Committee on Highways and Motor Traffic.

#### ADJOURNMENT

Mr. Felty moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Mr. Cornett moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Reader of Erath moved that the House recess until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Cornett, it prevailed, and the House, accordingly, at 12:40

o'clock p. m., adjourned until 10:00  
o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Counties: House Bills Nos. 263, 438, 472 and 576; Senate Bill No. 128.

Education: House Bill No. 625.

Constitutional Amendments: Senate Joint Resolution No. 6.

Game and Fisheries: House Bill No. 648.

Judicial Districts: House Bill No. 599.

Oil, Gas and Mining: House Bill No. 478.

Banks and Banking: Senate Bill No. 42.

Public Health: House Bill No. 80.

### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 41, Endorsing the plan for a great National Patriotic Revival, and authorizing and requesting the Governor to direct and arrange for suitable observance of Flag Week.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 288, A bill to be entitled "An Act amending Article 307, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 201 of the Regular Session of the Forty-fourth Legislature, page 438, Chapter 176 (1935), exempting graduates of certain law schools from the bar ex-

aminations, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 374, A bill to be entitled "An Act providing for the holding of college entrance examinations; authorizing the setting up of rules and regulations necessary thereto; providing for the setting up of a system of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 430, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 632, A bill to be entitled "An Act authorizing cities and towns having a population of not less than four thousand (4,000) inhabitants, within counties of this State having a population of not less than three hundred thousand (300,000) inhabi-

tants and not more than three hundred fifty thousand (350,000) inhabitants, according to the last preceding Federal Census to attach land and territory not in any town or city and within one mile of the limits of such towns or cities for zoning purposes; defining such purposes; extending the police power of such towns and cities to include land and territory so attached and the residents and owners thereof for the purpose of enforcing its zoning ordinances; authorizing the appointments of residents of the territory so attached on the Zoning Commission and Board of Adjustment of such cities and towns; authorizing such towns and cities to fix and enforce penalties for the violation of the zoning ordinances of such towns and cities; providing if any part of this Act is held to be unconstitutional or invalid for any reason the remaining portion of this Act shall be effective and not affected by such decision; making conflicting laws inapplicable to zoning of such attached territory; providing that this Act shall be cumulative of all laws not inconsistent herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

## TWENTY-EIGHTH DAY

(Friday, February 24, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Honorable Homer Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bridgers
Allen	Broadfoot
Allison	Brown of Cherokee
Alsup	Brown of Nacogdoches
Anderson	Bundy
Bailey	Burkett
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Celaya
Bell	Chambers
Blankenship	Clark
Bond	Cleveland
Boyd	Cockrell
Boyer	Coleman
Bradbury	Colquitt
Bradford	Colson, Mrs.
Bray	

Cornett	McAlister
Corry	McDaniel
Crossley	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Davis of Upshur	McNamara
Dean	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Dickson	Morris
Donaghey	Newell
Dowell	Nicholson
Dwyer	Oliver
Faulkner	Olsen
Felty	Petsch
Ferguson	Pevehouse
Fielden	Piner
Fuchs	Pope
Galbreath	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Reed
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Roach
Hardin	Roberts
Harp	Russell
Harper	Schuenemann
Harrell of Lamar	Segrist
Harris	Shell
Hartzog	Skiles
Heflin	Smith of Frio
Holland	Smith of Hopkins
Howard	Smith
Howington	of Matagorda
Hull	Spencer
Hunt	Stinson
Isaacks	Stoll
Johnson of Ellis	Tarwater
Johnson of Tarrant	Taylor
Keith	Tennant
Kennedy	Thornberry
Kern	Thornton
Kerr	Turner
Kersey	Vale
Kinard	Vint
King	Voigt
Langdon	Waggoner
Lehman	Weldon
Leonard	Wells
Leyendecker	Westbrook
Little	White
Lock	Wilson
Loggins	Wood
London	Worley
Mays	Wright
	Absent—Excused
Harrell of Bastrop	Talbert
Pace	Winfree
Robinson	

A quorum was announced present.